

702 KAR 3:190. Maximum class sizes.

RELATES TO: KRS 157.360

STATUTORY AUTHORITY: KRS 156.070, 157.360

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.360(4) prescribes that except for those schools that have implemented school-based decision making, hereafter referred to as SBDM, the chief state school officer shall enforce maximum class sizes for every academic course requirement in all grades, except in vocal and instrumental music, and physical education classes and shall establish procedures for exemptions to the above. This administrative regulation implements the functions and prescribes criteria for granting class size exemptions.

Section 1. Definitions. (1) "Restricted exemptions" shall mean those exemptions granted prior to September 15 for up to five (5) students over class size maximums in grades four (4) through eight (8).

(2) "Annual exemptions" shall mean those exemptions granted after September 15 for up to two (2) students over class size maximums in the primary program and grades four (4) through twelve (12).

Section 2. Classes shall be within the maximum class size by September 15 of each school year. In a SBDM school, requests for exemptions from class size maximums shall not be required except for special education service delivery and case load. A SBDM school shall serve all students assigned by the local superintendent; however, local boards shall provide SBDM schools the same resources for personnel on the same basis as non-SBDM schools.

Section 3. (1) In non-SBDM schools, more than twenty-four (24) students shall not be assigned to a primary homeroom without an exemption. As children are flexibly grouped for instruction, class size may temporarily exceed twenty-four (24) students. However, it shall be the obligation of the school district to provide staff on a basis that permits a twenty-four (24) to one (1) ratio unless an exemption has been granted pursuant to Section 7 of this administrative regulation.

(2) When an exemption is approved for the primary program, the services of an aide must be provided immediately. Exemptions for up to two (2) students over the maximum may be granted for primary homeroom assignments and/or total primary program assignments as based on a ratio of twenty-four (24) students to one (1) teacher. In SBDM schools, the same resources for personnel must be provided on the same basis as non-SBDM schools.

Section 4. In order to be in compliance by September 15, a superintendent of a local school district may request approval from the State Board for Elementary and Secondary Education for a one (1) year restricted exemption of no more classes than enroll twenty (20) percent of the pupils in the primary program and grades four (4) through eight (8) in each school, when unusual circumstances are believed to warrant an increased class size. No restricted exemptions shall be granted for classes in grades nine (9) through twelve (12).

Section 5. Since the district shall provide a plan to alleviate the overcrowding problem, a school granted a restricted exemption in a grade shall not be granted a restricted exemption in that grade or the next grade for the following year. Transferring of students between schools in subsequent years for the purpose of qualifying for an exemption shall not be approvable.

Section 6. (1) In order to provide local school districts flexibility in scheduling for short-term transient students, after September 15 this administrative regulation shall not be considered violated until

a student enrolled in excess of the class size is enrolled for a three (3) week transition period.

(2) After the three (3) week transition period, the district shall immediately request an annual class size exemption or initiate corrective action.

Section 7. (1) The department may conduct an off-site visit to analyze the district's:

- (a) Total classroom space;
- (b) Class enrollments; and
- (c) Enrollment alternatives.

(2) Exemptions may be granted by the Department of Education upon recommendation of the superintendent that unusual circumstances exist including but not limited to a lack of classroom space.

Section 8. (1) Restricted and annual exemption requests shall be submitted on the specified forms and forwarded to the Office of Assistance and Intervention, Department of Education.

(2) The request for exemption shall contain specific reasons and circumstances causing the increased class size.

(3) The request for exemption shall include a specific plan for reducing the class size prior to the beginning of the next school year.

Section 9. The services of an aide shall be provided immediately upon approval of all class size exemptions, whether restricted or annual

Section 10. The State Board for Elementary and Secondary Education, through the chief state school officer, shall enforce this administrative regulation through monitoring and update reports submitted by the local school districts on September 15 and January 31 of each school year. Classes that exceed cap size by no more than two (2) students during the last month of the school year shall not require an exemption.

Section 11. Failure to comply with this administrative regulation may, in addition to other appropriate sanctions, result in the local superintendent and principal being charged with willful neglect of duty pursuant to KRS 156.132. (11 Ky.R. 352; 591; eff. 10-9-1984; 12 Ky.R. 1164; eff. 2-4-1986; 13 Ky.R. 1468; eff. 3-6-1987; 14 Ky.R. 615; eff. 11-6-1987; 17 Ky.R. 429; eff. 12-7-1990; 19 Ky.R. 511; 903; eff. 10-1-1992; 20 Ky.R. 150; eff. 9-2-1993; Crt eff. 11-16-2018.)